

Public Notice

U.S. Army Corps of Engineers

Pittsburgh District

In Reply Refer to Notice No. below US Army Corps of Engineers, Pittsburgh District 1000 Liberty Avenue Pittsburgh, PA 15222-4186

Application No. 2005-2160 Date: August 22, 2007

Notice No. 07-37 Closing Date: September 22, 2007

1. <u>TO ALL WHOM IT MAY CONCERN</u>: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (13 U.S.C. 1344).

2. <u>APPLICANT</u>: Consol Pennsylvania Coal Company

P.O. Box J

1525 Pleasant Grove Road Claysville, PA 15323

AGENT: Civil & Environmental Consultants, Inc.

333 Baldwin Road Pittsburgh, PA 15205

- 3. <u>LOCATION</u>: The project is located in Richhill Township, Greene County, Pennsylvania. The proposed Overland Belt originates at the Crabapple Slope, located near the intersection of Durbin Road (T346) and Braddock Run Road (T569) and heads northeast approximately 3,400 feet across Crabapple Creek to the first transfer point situated on a ridge top. From the first transfer point, the Overland Belt traverses approximately 8,000 feet along upper slopes, ridges, and two stream valleys between the first and second transfer points. This segment crosses the drainage divide between Crabapple Creek and Enlow Fork/Owens Run just west of Nebo. The final belt segment, heads northeast approximately 10,500 feet, crossing Owens Run and terminating at the Bailey Preparation Plant. Starting coordinates at the Crabapple Slope are 39° 55' 28.336" N, 80° 27' 41.667' W and ending coordinates at the Bailey Preparation Plant are 39° 58' 14.293" N, 80° 25' 3.686" W.
- 4. <u>PURPOSE AND DESCRIPTION OF WORK</u>: The proposed project is to construct an overland conveyor to transport coal from the Crabapple Slope to the Bailey Preparation Plant. Appurtenant facilities include transfer points, permanent access roads, sediment control diversions and sumps, temporary construction access roads, and stream and wetland mitigation areas. The Overland Belt will be a 21,900-foot-long conveyor with two transfer points. The conveyor will be capable of transporting approximately 4,600 tons of coal per hour. Portions of the conveyor will be constructed on-grade and portions will be constructed on elevated supports. Impacts to aquatic resources include placement of fill in 24 headwater tributaries (5,715 feet) and 15 groundwater slope wetlands (0.47 acre).

Permanent stream impacts include filling or culverting 2,999 feet of first order ephemeral streams, 2,429 feet of first order intermittent streams, and 287 feet of perennial streams. Additional temporary impacts from the crossing of jurisdictional streams will include 456 feet of first order intermittent streams. Thirty-nine wetlands, totaling 1.87 acres were delineated within the project area. Construction of the Overland Belt will impact 15 of these wetlands totaling 0.47 acre. Impacted wetlands are primarily palustrine emergent groundwater slope wetlands with individual acreages under 0.05 acre.

The stream and wetland mitigation site along Crabapple Creek contains existing low quality, disturbed wetlands. These include primarily reed canary grass (*Phalaris arundinacea*) wetlands associated with beaver impoundments on Crabapple Creek. Stream restoration measures include establishment of stable stream channels along 1,308 linear feet of Crabapple Creek, a third order perennial a stream, and 2,908 linear feet of an unnamed tributary to Crabapple Creek, a second order perennial stream. Restoration of Crabapple Creek will require further disturbance to and restoration of 0.92 acre of the existing disturbed wetlands. The proposed wetland restoration/mitigation area (1.60 acres) is located adjacent to the stream restoration area on Crabapple Creek and will consist of constructing several basins of varying depth to facilitate the establishment of shrub/wet meadow, shallow marsh, and deep marsh habitat. Drawings of the proposed work are attached to this notice.

- 5. <u>IMPACT ON NATURAL RESOURCES</u>: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).
- 6. <u>IMPACT ON CULTURAL RESOURCES</u>: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 Public Law 89-665 as amended (including Public Law 96-515).
- 7. <u>PUBLIC INVOLVEMENT</u>: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.
- 8. <u>EVALUATION</u>: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the

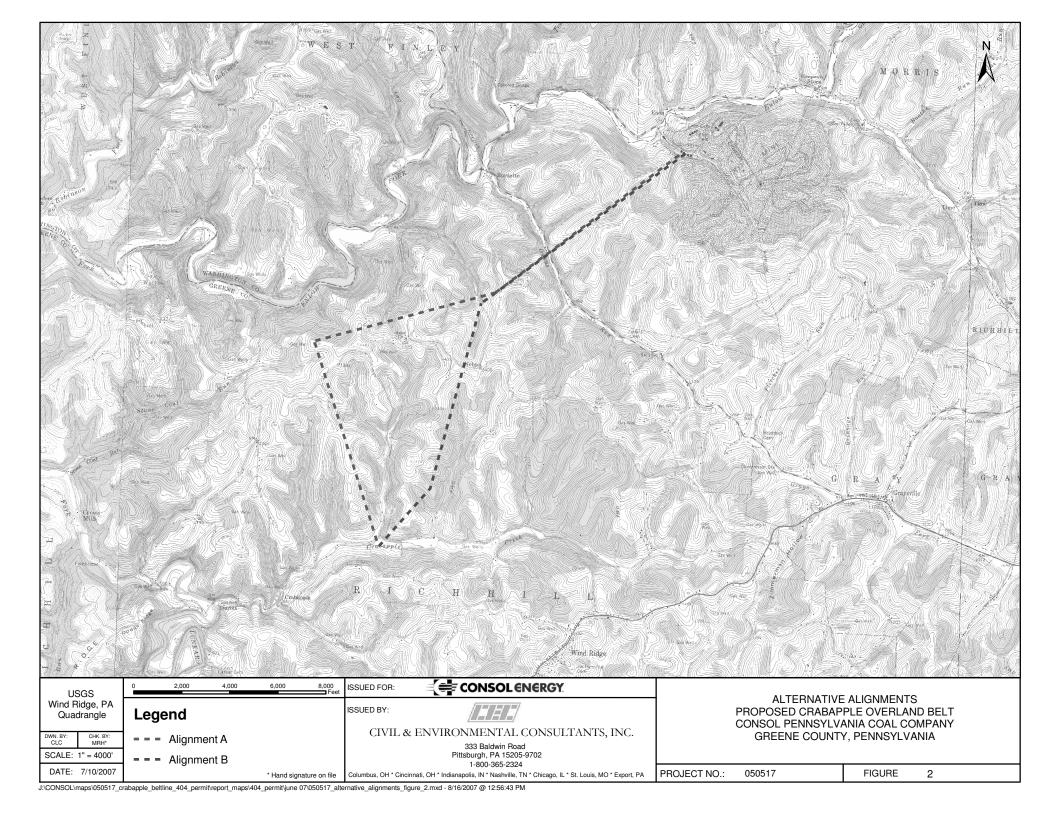
probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

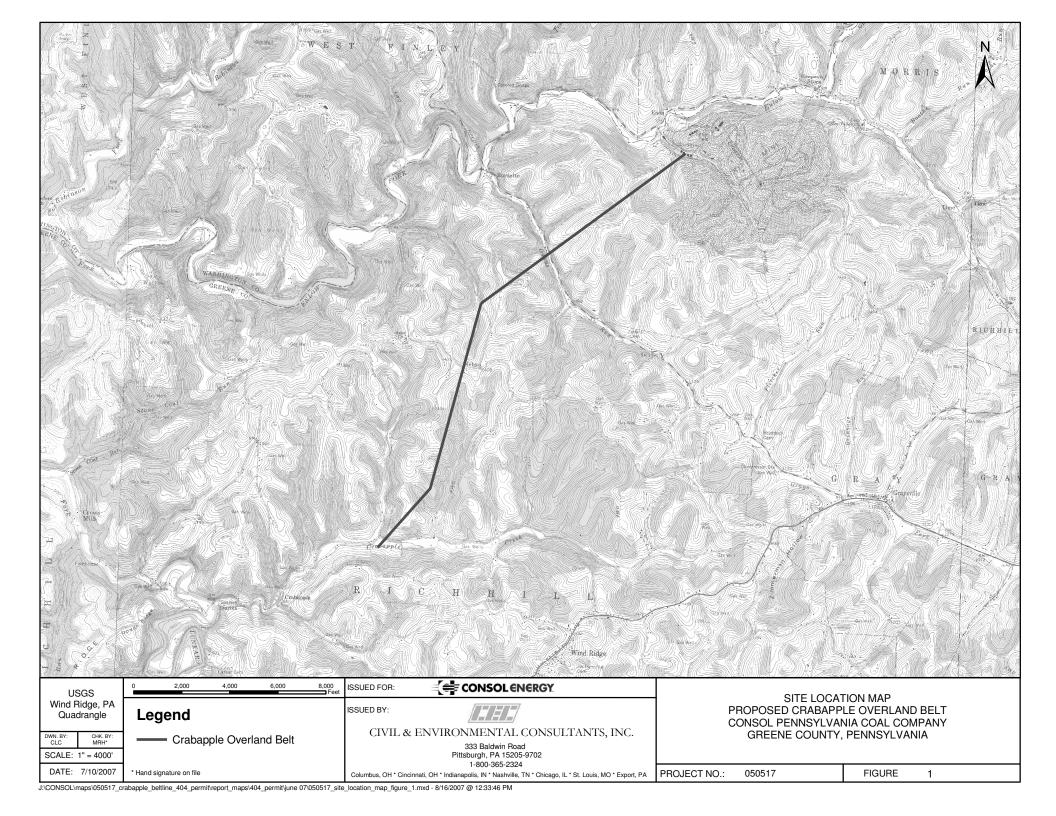
9. <u>RESPONSES</u>: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch. Please refer to CELRP-OP-F 2005-2160 in all responses.

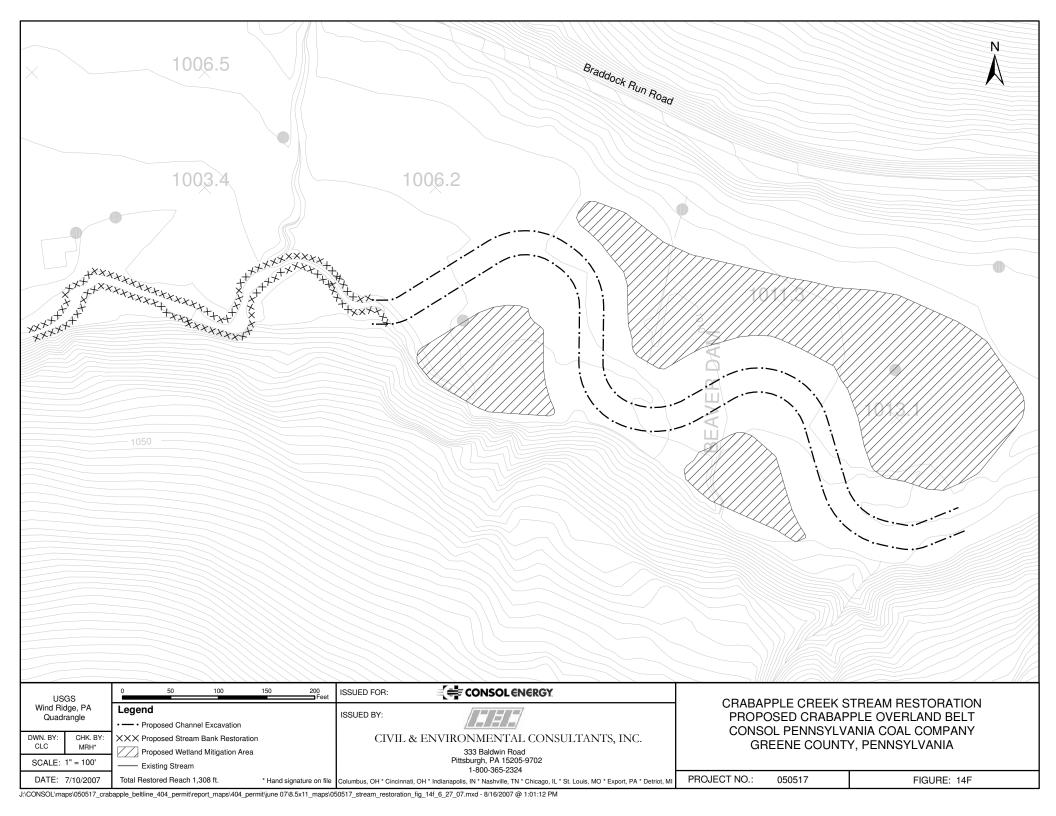
FOR THE DISTRICT ENGINEER:

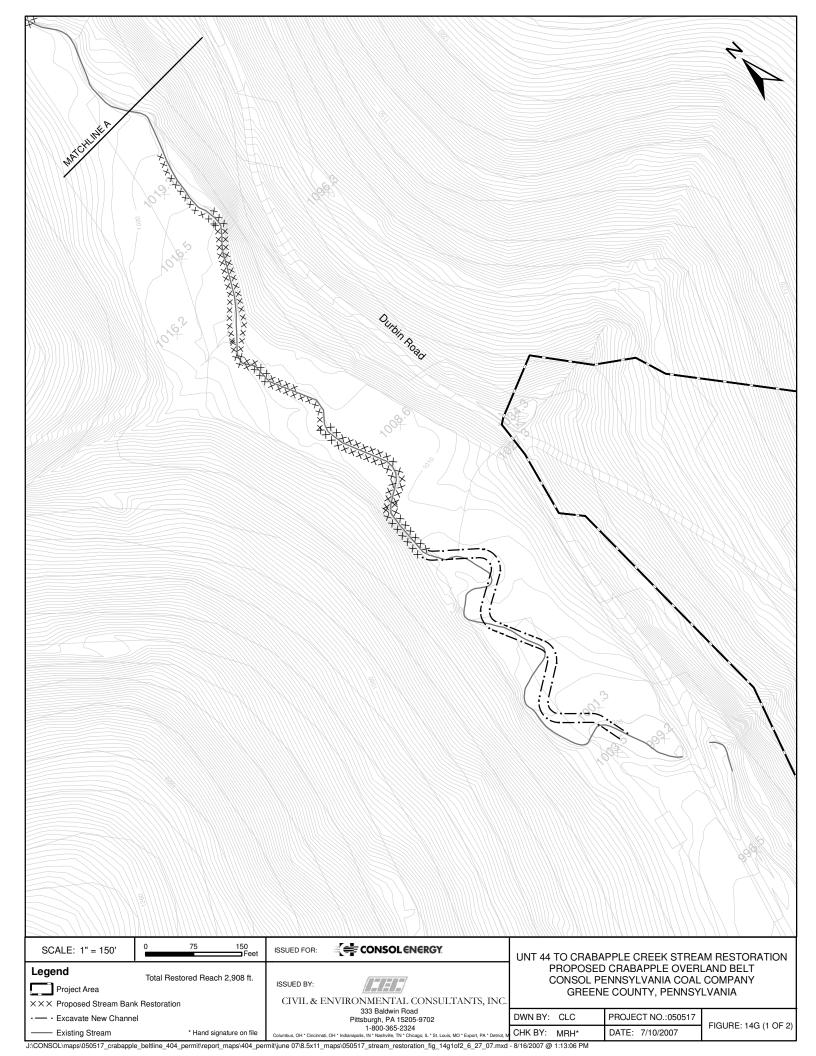
/SIGNED/

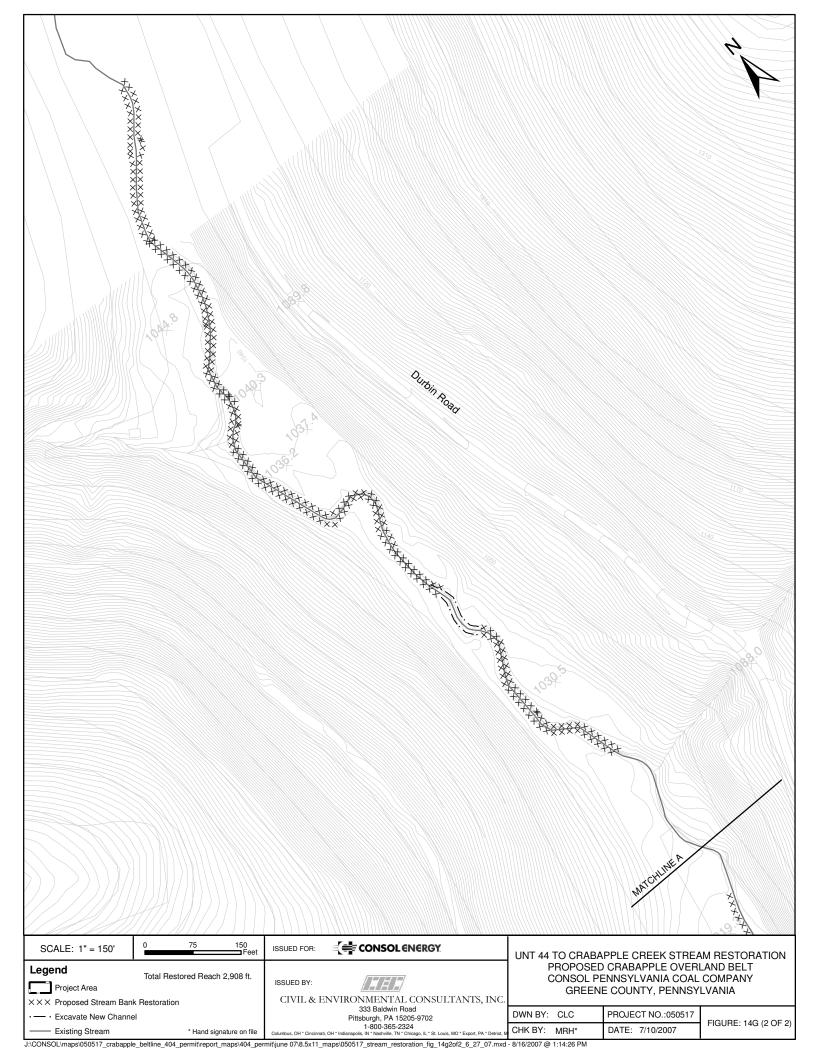
Scott A. Hans Acting Chief, Regulatory Branch

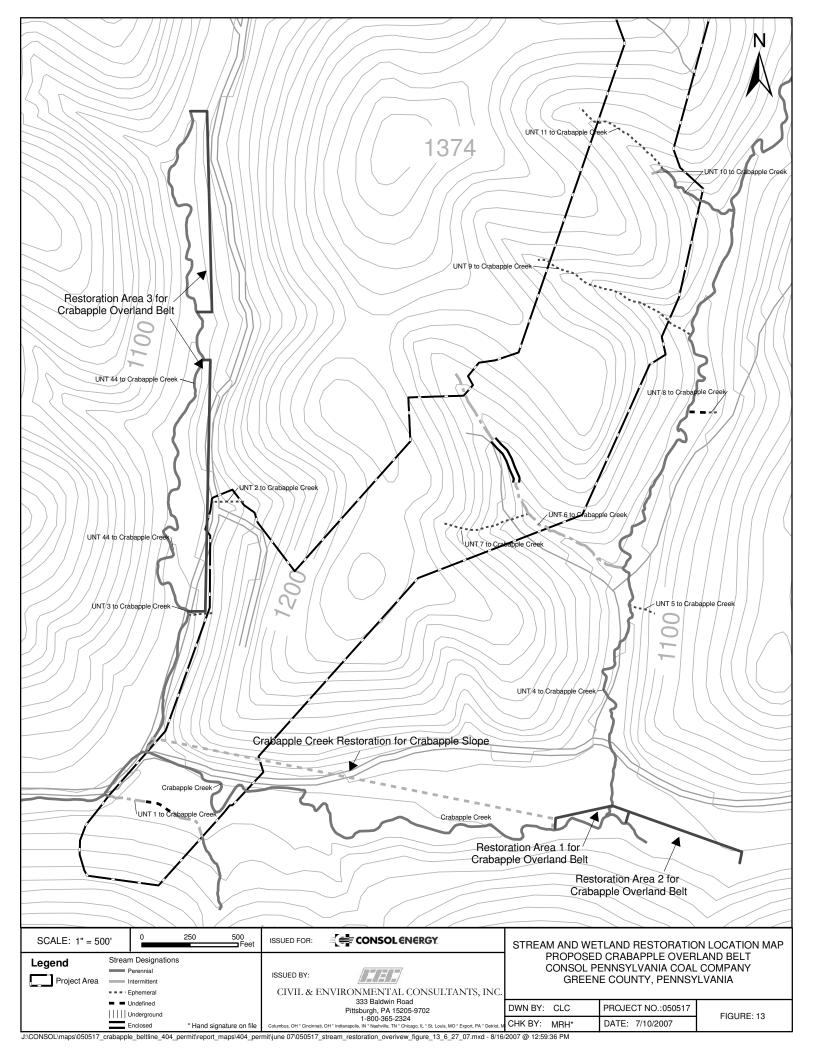


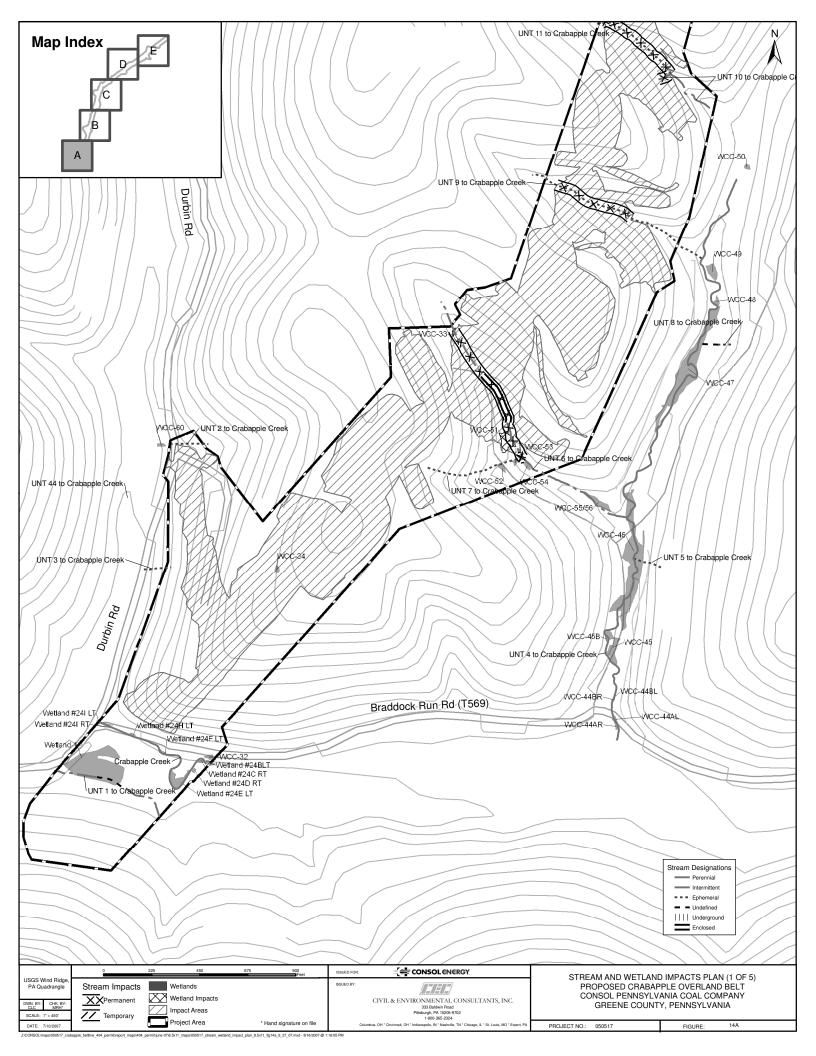


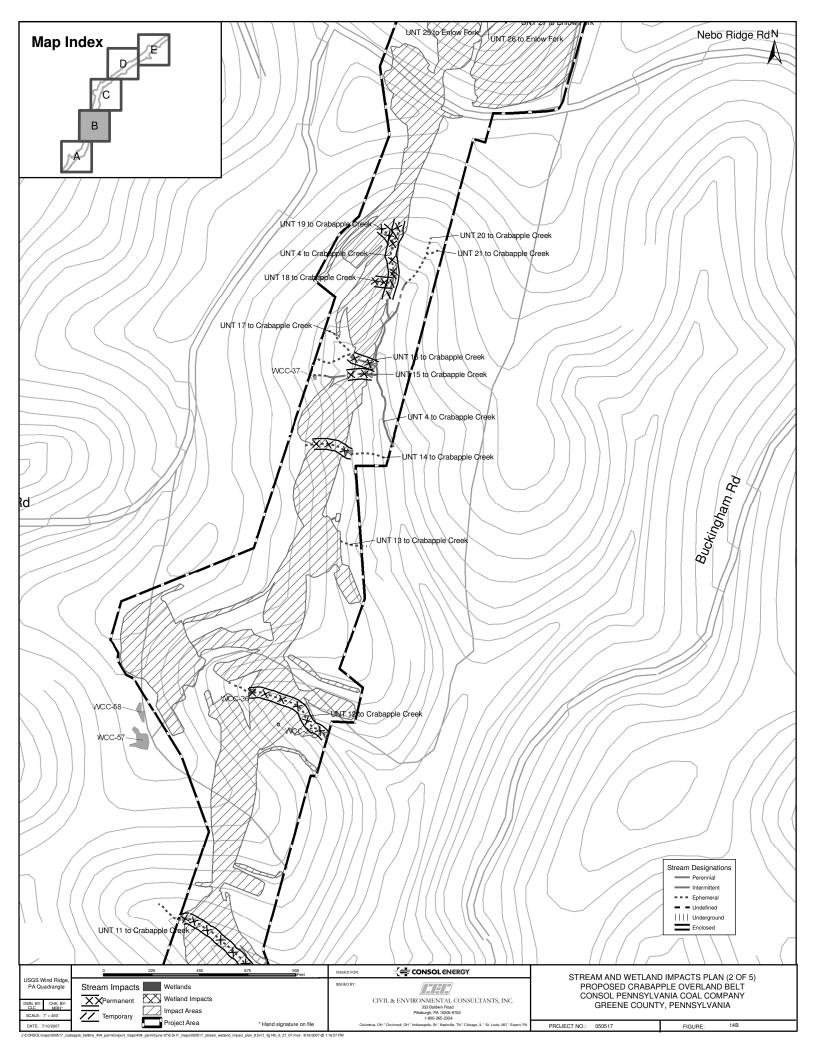


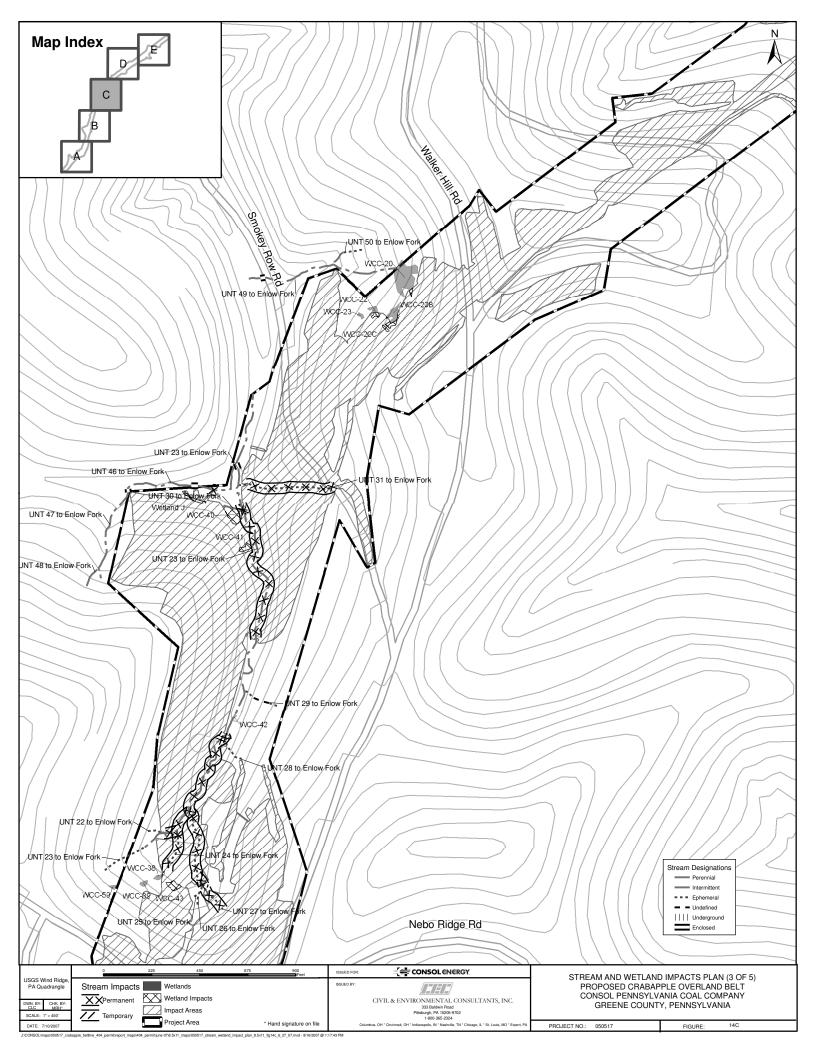


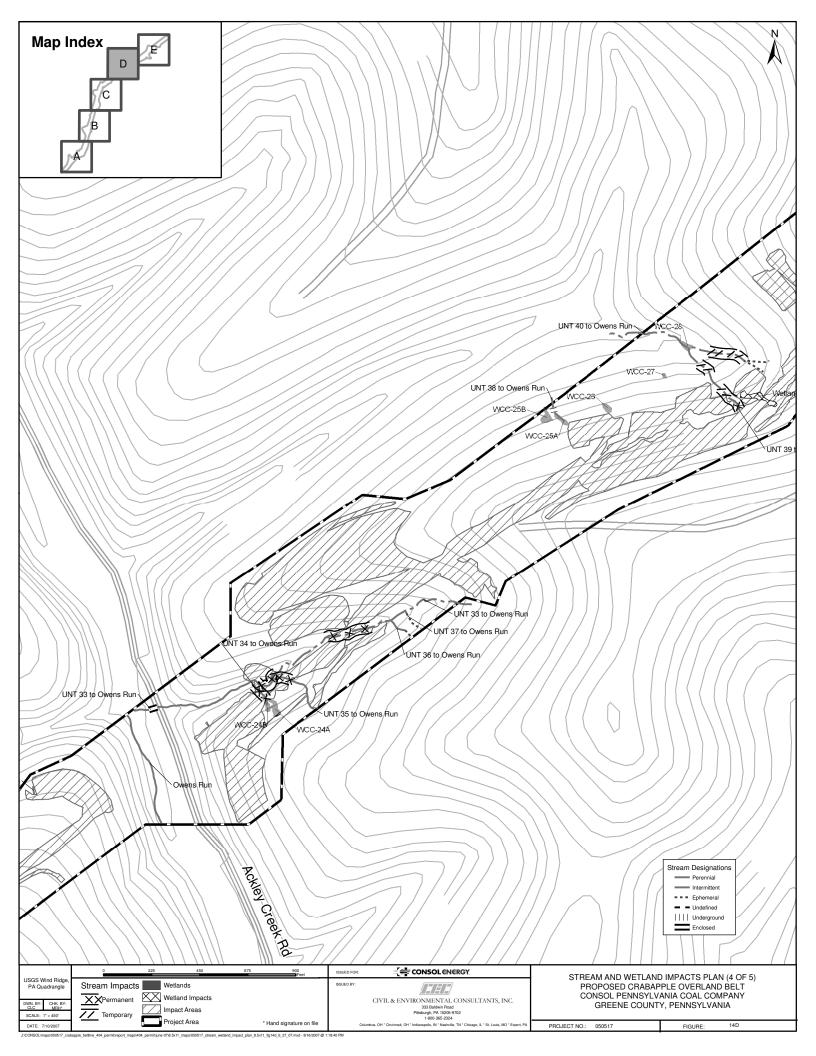


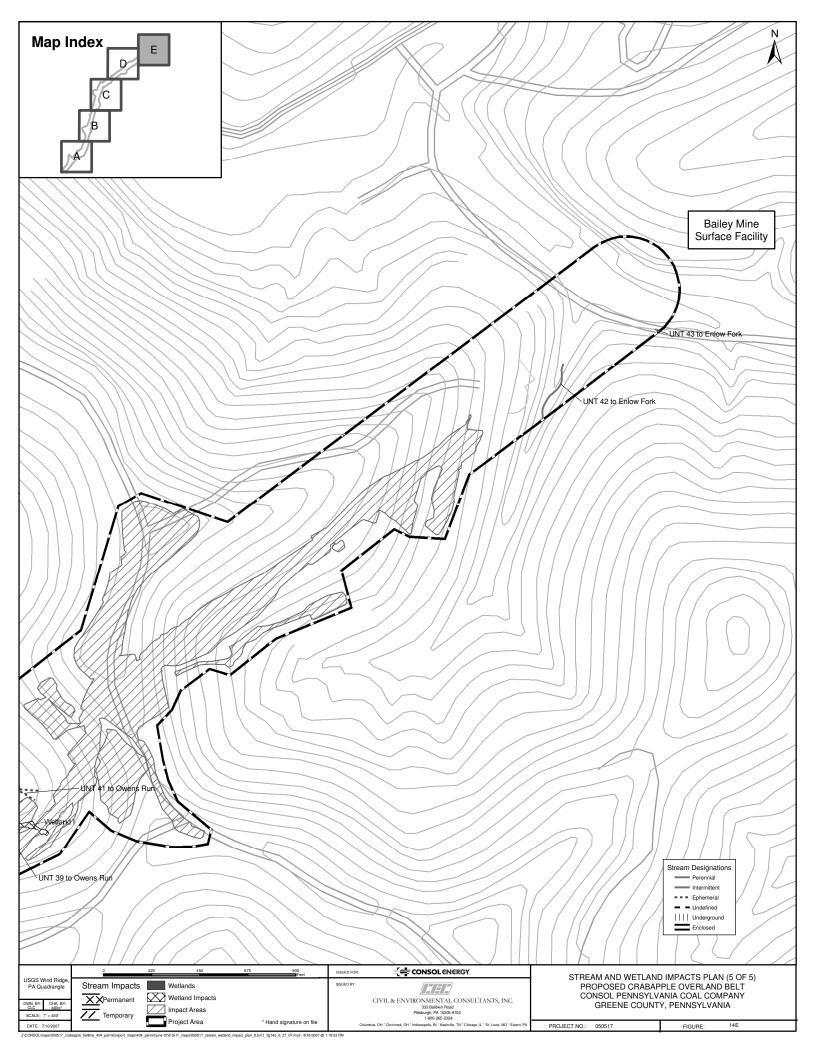


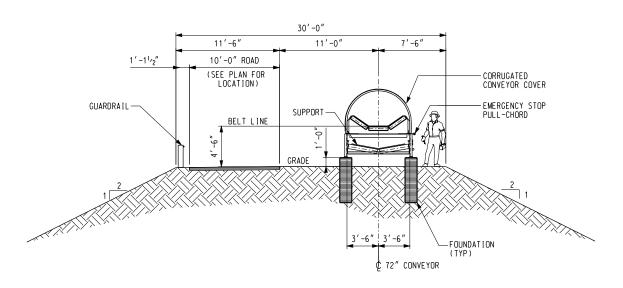


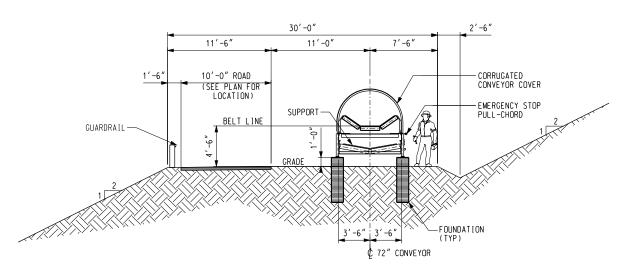




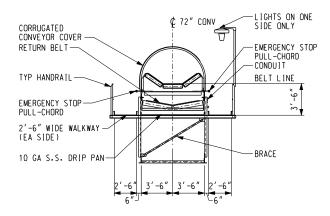




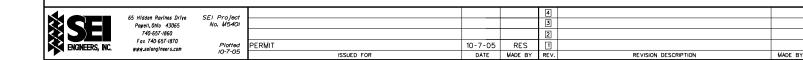


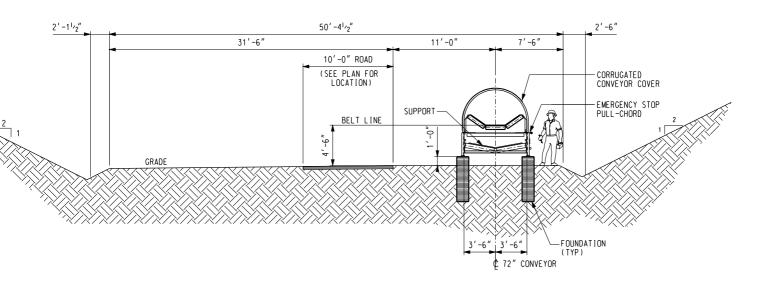


SECTION THRU CONVEYOR STRINGER ON GRADE $^{3}_{16}$ " = 1'-0" ROAD ON FILL SIDE



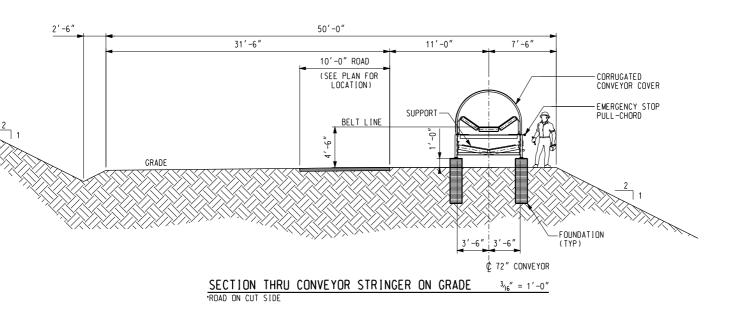
SECTION THRU ELEVATED CONVEYOR STRUCTURE 3/16" = 1'-0"





SECTION THRU CONVEYOR STRINGER ON GRADE 'ROAD IN DOUBLE CUT

 $^{3}/_{16}'' = 1'-0''$



PRELIMINARY NOT FOR CONSTRUCTION

				DRAWN BYLDL	DATE 10-03-05	PENNSYLVANIA OPERATIONS	NO. DRGS.	SCALE	PROJECT NO.
					DATE 10-03-05	BAILEY MINE, GREEN CO. PA.	THIS PROJECT	<u>3/16'' = 1' - 0''</u>	0511
Ш			🗏 E CONSOL ENERGY	CHECKED BY RES	1	OVERLAND CONVEYORS	1	DRAWING NO.	FILE NO.
			THIS DRAWING IS THE PROPERTY CONSOL ENERGY, INC. AND MUST NOT BE USED EXCEPT IN CONNECTION WITH QUE WORK			TYPICAL CONVEYOR SECTIONS AND DETAILS	\perp	0511-B-07	
Υ	CHKD BY	DATE	ALL RIGHTS OF DESIGN OR MYCHTON ARE RESERVED	APPROVED BY	DATE	TITIONE CONVETOR SECTIONS AND BETMES			